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Government of West Bengal
Panchayat and Rural Development Department
(Panchayat Wing)
Jessop Building, 63 N. S. Road , Kolkata – 700 001

No. 1956(4)/PN/O/1/3R-2/04

Date : 17.05.2013

From: Special Secretary to the Govt. of West Bengal.

To: The District Magistrate,
Darjeeling / Jalpaiguri / Cooch Behar / Uttar Dinajpur.

Sub: Acceptance of the Report of the Committee of Secretaries on the extension of State Govt. Schemes to Tea Garden areas.

Sir,

I am directed to refer to the letter No.5725(5)/Prs./CI dated 19.09.2012 of the Pr. Secretary, Commerce & Industries Department on the above subject and to state that the Standing Committee of the Cabinet on Industry/Infrastructure and employment has in its 12th meeting held on 16th August, 2012 resolved to accept the Report of the Committee of Secretaries on the extension of State Govt. Schemes to Tea Garden areas and the resumed adjoining areas in North Bengal.

I am now directed to send herewith the copies of the said letter alongwith its enclosure and to request you to take necessary action in this regard.

Yours faithfully

[Signature] 17/5/2013

Special Secretary
to the Govt. of West Bengal

Encl.: As stated

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PC (T)

Pl. preserve. Copy to
CSA & copy to the u/s.

[Signature]
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SR-2109

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सत्यमेव जयते

Alapan Bandyopadhyay, IAS

Principal Secretary

Commerce & Industries Department

Government of West Bengal

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No. 5725(5)/Prs./CI

Dated 19th September, 2012

The Principal Secretary,
Panchayet & Rural Development Department,
Writers' Buildings,
Kolkata-700 001.

55 (D) (P)
28/9/12

Sir,

This is to inform you that the Standing Committee of the Cabinet on industry/infrastructure and employment has, in its 12th Meeting held on 16th August, 2012, resolved to accept the Report of the Committee of Secretaries on the extension of State Government schemes to Tea Garden areas and the resumed adjoining areas in North Bengal. I have been advised by the Standing Committee to circulate accepted Report (containing recommendations) so that concerned departments may take measures for implementation of the recommendations.

Yours faithfully,

(Alapan Bandyopadhyay)

Principal Secretary

May b). see for w/a
27/9/12

OSD to Secy (SRR)

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we may send to 24 districts
& Sp1. Secy. / Jt. Secy. of this
Dep't. / Commissioners MANREGS
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**Report of the Committee of Secretaries regarding the extension of State
Government Schemes to Tea Garden areas in North Bengal**

Government of West Bengal

May 2012

Introduction

1. It was decided by the Government that a Committee of 5 Secretaries(COS) would submit a report on the issues, impediments and solutions in the extension of different schemes of the Government, including rural development, water and sanitation schemes to tea garden areas in North Bengal. The Committee comprises Shri Basudeb Banerjee, Principal Secretary, Home and Commerce & Industries Departments, Shri R D Meena, LRC & Principal Secretary, L&LR Department, Shri Debashish Sen, Principal Secretary, Urban Development Department, Shri Saurabh Kumar Das, Principal Secretary, Panchayat & Rural Development, & PHE Departments and Shri Alapan Bandopadhyay, Principal Secretary, Labour & Municipal Affairs Departments.

2. The COS convened a meeting on 2nd May 2012 with all major tea associations including the Indian Tea Association (ITA), Tea Association of India (TAI), Darjeeling Tea Association (DTA) and the Indian Bio-organic Tea Association. Director, Tea Development, Tea Board of India was also present.

3. West Bengal is the second largest tea growing State in India after Assam, contributing to about 24 percent of the total Indian tea crop and with a share of 20 percent of the country's tea cultivated area. Tea is grown in three plantation districts, namely Darjeeling (comprising the nil sub-divisions of Darjeeling district), Terai (comprising areas in the plains portion of Darjeeling district and Jalpaiguri and Uttar Dinajpur districts) and Dooars (comprising areas in Jalpaiguri and Cooch Behar districts). The ownership profile of the tea gardens consists of a mix of large corporate houses, private tea companies, partnership and proprietary firms and a Central(Andrew Yule) and a State PSU(WB Tea Development Corporation). In addition, there is an unorganized tea sector consisting of about 22,000 small tea growers, largely located in plains areas of Darjeeling, Uttar Dinajpur and to some extent, in the

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district of Jalpaiguri. These small growers do not possess factories but sell green leaf to stand-alone factories known as "bought-leaf" factories.

4. An estimated 3,15,660 workers are employed in the three plantation districts of West Bengal in the organized tea sector and constitute the largest work force in North Bengal. The Plantations Labour Act (PLA), 1951 (a Central Act with State amendments) and implemented by the State Government in the Labour Department provides for the following amenities and facilities to be provided by employers for workers:
 - Housing, Medical Facilities, Primary Education, Potable Water Supply, Sanitation & Conservancy, Medical facilities, Crèche.
 - In addition, electricity in workers dwellings is also covered under a separate tripartite Agreement which was entered into between industry, workers unions and the State Government in the 1990s.

5. Workers are also provided as part of their wage, certain amenities like concessional food-grains which entitles a worker and his family to receive rice and wheat at a subsidized price of Rs.0.47. per kg. In addition to concessional rations, workers are also provided certain other amenities like dry tea, firewood, footwear, umbrellas etc. The wages paid to tea estate workers have been conventionally settled through Tripartite Agreements reached through a process of collective bargaining between employers' representatives and labour unions in the presence of officials of the Labour Directorate.

6. The population of tea estates comprise permanent workers, temporary workers, *bonafide* dependants of the workers, retired workers and non-dependent non-workers who are presently staying in the tea estates. The number of *bonafide* dependants alone of the workers, but not employed in the tea gardens has been estimated by the Tea Board at 3, 64,643.

7. Tea estate land in West Bengal has been provided by way of lease to the tea companies for a period of 30 years by the State Government in the L & LR Department. The total "Grant Area" is utilized by the estate for planting tea, for locating the processing factory and for the "Labour Lines" comprising housing for the permanent labour.

8. The issue of viability of the organized tea industry, its high cost of production as well as the high cost of employment was examined by several Committees set up by the Government of India, namely the Inter-ministerial Committee set up in 2003 headed by Shri LV Satharishi, OP Arya Committee, the SN Menon Committee as well as Committees set by the Governments of West Bengal and Assam. The Inter-ministerial Committee as well as the subsequent Committees recommended that the statutory social welfare cost being borne by the tea industry in providing amenities to labour like housing, medical education etc. should be shared by the Government. In keeping with these recommendations, one option that was already being explored was on the feasibility of extending the benefit of ongoing welfare schemes on housing and sanitation, water supply, medical facilities etc. to tea estates.

9. Tea garden areas having been formally brought under the purview of the Panchayati Raj institutions in the late 1990s, there was expectation from the population residing in tea garden areas that the benefits on various Government Schemes should also find coverage in tea garden areas. However, this has not happened at the grass-roots and implementation of different programmes has taken place in an *ad hoc* manner, depending on the degree of cooperation between the panchayat functionaries and the tea garden management.

10. While the tea industry has supported the full extension of State Government schemes in the tea estates, the following issues were highlighted during the consultative meeting:

- Land and lease-related issues
- Given the co-existence of different categories of workers and other population, including encroachers residing in tea estates, no policy initiative that would encourage fresh encroachments in the grant areas of tea estates.
- Ensuring the continuation of the administrative prerogative of tea garden managements having regard to ingress/egress of outsider non-worker population.
- The acute shortage of workers particularly during the peak production period and the possible adverse effects of rural employment schemes on tea production.
- State Government would take up with Central Government for restoration of the Housing Subsidy Scheme for construction of Labour Houses.

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Recommendations of the Committee:

MGNREG
Rural Housing
Sanitation

- The Committee considered the implementation of various developmental schemes of the Government. These included the "Mahatma Gandhi National Rural Employment Guarantee Scheme" (MGNREGS), "Nijo Griha Nijo Bhumi" (NGNB) Scheme, "Indira Avas Yojana" (IAY) and other Governmental Schemes for housing, sanitation and water supply etc.
2. It is recommended that an **Apex Committee** be set up in each of the two districts of Jalpaiguri and Darjeeling, headed by the respective District Magistrates, including the DL & LRO, Deputy Labour Commissioner, Deputy Director, Tea Board, Siliguri, local elected representatives and representatives of Tea Associations, to draw up guidelines (Standard Operating Procedures) for implementation of schemes, including the issue of NOCs as already in vogue in some estates. **Tea estate-level implementing Committees** will also be set up under the guidance of the Apex Committee. While normal garden functioning and the administrative prerogative of tea managements would not be compromised in any way, all tea estates managements at the local level will be required to strictly abide by the guidelines so formed.
 3. Priority in implementation may be given to selected tea estates, especially those that were affected with closure in the recent past. The Apex Committees will accordingly draw up a list of gardens.
 4. It is recommended that emphasis would be given on implementing the "Mahatma Gandhi National Rural Employment Guarantee Scheme" (MGNREGS) during the 'winter-dormancy' period between November to March, when tea production is halted, especially targeting temporary workers and care would be taken to implement schemes which are beneficial both to the job-card holders and the tea estates. Encouragement should be given to Individual Benefit Schemes (IBS) under MGNREGS like digging of sanitary pits, building of kitchen gardens, irrigation canals, drainage, land development etc.

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5. Principal Secretary, Panchayat & Rural development will examine each scheme being implemented and take up with the Government of India any proposal for amendment of the scheme, if at all required, in the context of implementation in tea estates.

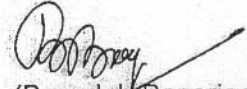
6. The COS considered the availability of suitable land that could be settled under the "Nijo Griha Nijo Bhumi" (NGNB), "Indira Avas Yojana" (IAY) or any other Governmental Scheme for housing. The target group of persons in this context would comprise persons based in tea gardens, other than permanent workers who are provided housing by the management, and would include temporary workers, retired workers and other eligible persons.


It was brought to the notice of the COS that tea garden land which had been resumed by the State Government in the past covers some 10,700 hectares. While it may be expected that a large part of this land is encroached or is afforested, a detailed survey is required to be conducted to identify suitable land for this purpose. It is therefore recommended that a survey of this resumed land may be carried out by the District Magistrate and Collector of both Darjeeling and Jalpaiguri districts with the active help of the Tea Associations.


8. A further 15,300 hectares of uncultivable fallow land is available within the grant area of tea gardens as per a recent base-line survey that has been conducted by the Tea Board of India recently. Tea garden managements will, through the respective Tea Associations, identify and submit, suitable sites within this area for implementation of rural development schemes, including housing schemes and NOCs will be expeditiously provided for this purpose. The Tea estate-level implementing Committees will play a major role in this identification.

9. Labour Department may examine the feasibility of adopting the UNICEF model of latrines and notifying the same under Plantation Labour Rules (which has already been accepted by the Assam Government), thus facilitating construction of latrines under a PPP Mode involving the Tea Board.

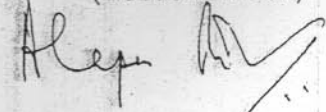
10. Facilities extended to the tea gardens under Government Schemes will be supplementary in nature and will not absolve tea gardens of the responsibilities under Plantations Labour Act (PLA), 1951.


(Basudeb Banerjee)


(RD Meena)


(Saurabh Kumar Das)

Debashish Sen
(Debashish Sen)


(Alapan Bandopadhyay)